

IN RE: PETITION FOR ZONING VARIANCE
W/S Lenning Avenue at the
Intersection w/Crestview Garth
(8914 Lenning Lane)
14th Election District
6th Councilmanic District
Alan F. Bowling, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit a building to tract boundary setback of 11 feet in lieu of the required 35 feet and a window to property line setback of 3 feet in lieu of the required 15 feet for a proposed dwelling with an attached garage, and to amend Lot 1 of the Final Development Plan of the Dicocco Property, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mr. Bowling, appeared and testified. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of October, 1988 that the Petition for Zoning Variance to permit a building to tract boundary setback of 11 feet in lieu of the required 35 feet and a window to property line setback of 3 feet in lieu of the required 15 feet for a proposed dwelling with an attached garage, and to amend Lot 1 of the Final Development Plan of the Dicocco Property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the granting of the relief requested:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

JRH:bjs

J. Robert Haines
Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

October 20, 1988

Mr. & Mrs. Alan Bowling
2010 Paulette Road
Baltimore, Maryland 21222

RE: PETITION FOR ZONING VARIANCE
W/S Lenning Lane at Intersection w/Crestview Garth
(8914 Lenning Lane)
14th Election District - 6th Councilmanic District
Alan F. Bowling, et ux - Petitioners
Case No. 89-128-A

Dear Mr. & Mrs. Bowling:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

JRH:bjs

cc: People's Counsel

File

Very truly yours,
J. Robert Haines
Zoning Commissioner
for Baltimore County

Dennis F. Rasmussen
County Executive

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-128-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 307.6 (V.E.S.B.) of the Zoning Regulations of Baltimore County to permit a building to tract boundary setback of 11 feet in lieu of the required 35 feet and a window to property line setback of 3 feet in lieu of the required 15 feet. Respectfully, also to amend Lot #1 on the Final Development Plan of the Dicocco Property, in accordance with the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. The installation of special equipment for disabled child.
2. A reasonable pickup and discharge from special bus for above child.
3. Unaware of setback when purchasing property.
4. Time limit on lease at present building.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney's Telephone No.: _____
Name, address and phone number of legal owner, contract purchaser, or representative to be contacted: _____
Name _____
Address _____
City and State _____
Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of September, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 19th day of September, 1988, at 10 o'clock A.M.

(over)

ORDER RECEIVED FOR FILING
Date 10/20/88
By J. Robert Haines

ORDER RECEIVED FOR FILING
Date 10/20/88
By J. Robert Haines

ORDER RECEIVED FOR FILING
Date 10/20/88
By J. Robert Haines

Zoning Description
BEGINNING ON THE WEST SIDE OF LENNING LANE
50 FEET WIDE, AT A POINT WHERE THE CENTER LINE OF
CRESTVIEW GARTH INTERSECTS THE WESTERN RIGHT-OF-WAY
LINE OF LENNING LANE.

BEING LOT #1 ON THE PLAT OF THE DICOCO PROPERTY
PLAT BOOK E.H.K. JR. #55 FOLIO 50 ALSO KNOWN AS 8914
LENNING LANE IN THE 14TH E.D.

OWNERS WILL TAKE FULL RESPONSIBILITY
AS TO THE INFORMATION PROVIDED ON
SAID PLAT PREPARED BY BALTO. CO.
OWNER _____ DATE _____
OWNER _____ DATE _____

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14th Date of Posting: 9/17/88
Posted for: Variance
Petitioner: Alan F. Bowling, et ux
Location of property: W/S Lenning Lane at Intersection of Crestview Garth
Location of Sign: Facing Lenning Lane, approx. 2' from the way, on property of Petitioner
Remarks: _____
Posted by: M. Haines Date of return: 9/23/88
Number of Signs: 7

CERTIFICATE OF PUBLICATION
TOWSON, MD., Sept 19, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept 14, 1988.
\$39.38
Post # 04305
Reg # N18992
THE JEFFERSONIAN
S. Zeke Olson
Publisher

PUBLIC NOTICE
NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance Case Number 89-128-A
W/S of Lenning at Intersection of Crestview Garth
14th Election District
6th Councilmanic District
Petitioners:
Alan F. Bowling, et ux
Hearing Date: Thursday, Oct. 13, 1988 at 10:00 a.m.
Variance to permit a building to tract boundary setback of 11 feet in lieu of the required 35 feet and a window to property line setback of 3 feet in lieu of the required 15 feet, respectively. Also to amend Lot #1 on the Final Development Plan of Dicocco Property.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period, for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
N258 Sept. 14, 1988

CERTIFICATE OF PUBLICATION
TOWSON, MD., Sept 19, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept 15, 1988.
\$39.38
Post # 04306
Reg # N18991
THE JEFFERSONIAN
S. Zeke Olson
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance Case Number 89-128-A
W/S of Lenning at Intersection of Crestview Garth
14th Election District
6th Councilmanic District
Petitioners:
Alan F. Bowling, et ux
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In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period, for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
N257 Sept. 14, 1988

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 9/22/88

Mr. & Mrs. Alan Bowling
2010 Paulette Road
Baltimore, Maryland 21222

Re: Petition for Zoning Variance
Case Number 89-128-A

Dear Mr. & Mrs. Bowlings:

Please be advised that \$93.76 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, 111 W. Chesapeake Avenue, Towson, Maryland 21204, minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 059046

DATE 10/13/88 ACCOUNT 1-01-615-000

AMOUNT \$ 93.76

RECEIVED FROM Alan F. Bowling

FOR Posting & Ad 9/13/88 Haines

U 8 C33*****93789-48-A

VALIDATION OR SIGNATURE OF CASHIER

OFFICIAL COPY - YELLOW - CUSTOMER

post set(s), there each set not

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-128-A
W side of Lanning at intersection with Crestview Garth
14th Election District - 5th Councilmanic
Petitioner(s): Alan F. Bowling, et ux
HEARING SCHEDULED: THURSDAY, OCTOBER 13, 1988 at 10:00 a.m.

Variance to permit a building to tract boundary setback of 11 feet in lieu of the required 35 feet and a window to property line setback of 3 feet in lieu of the required 15 feet, respectively. Also to amend Lot #1 on the Final Development Plan of Diocco Property.

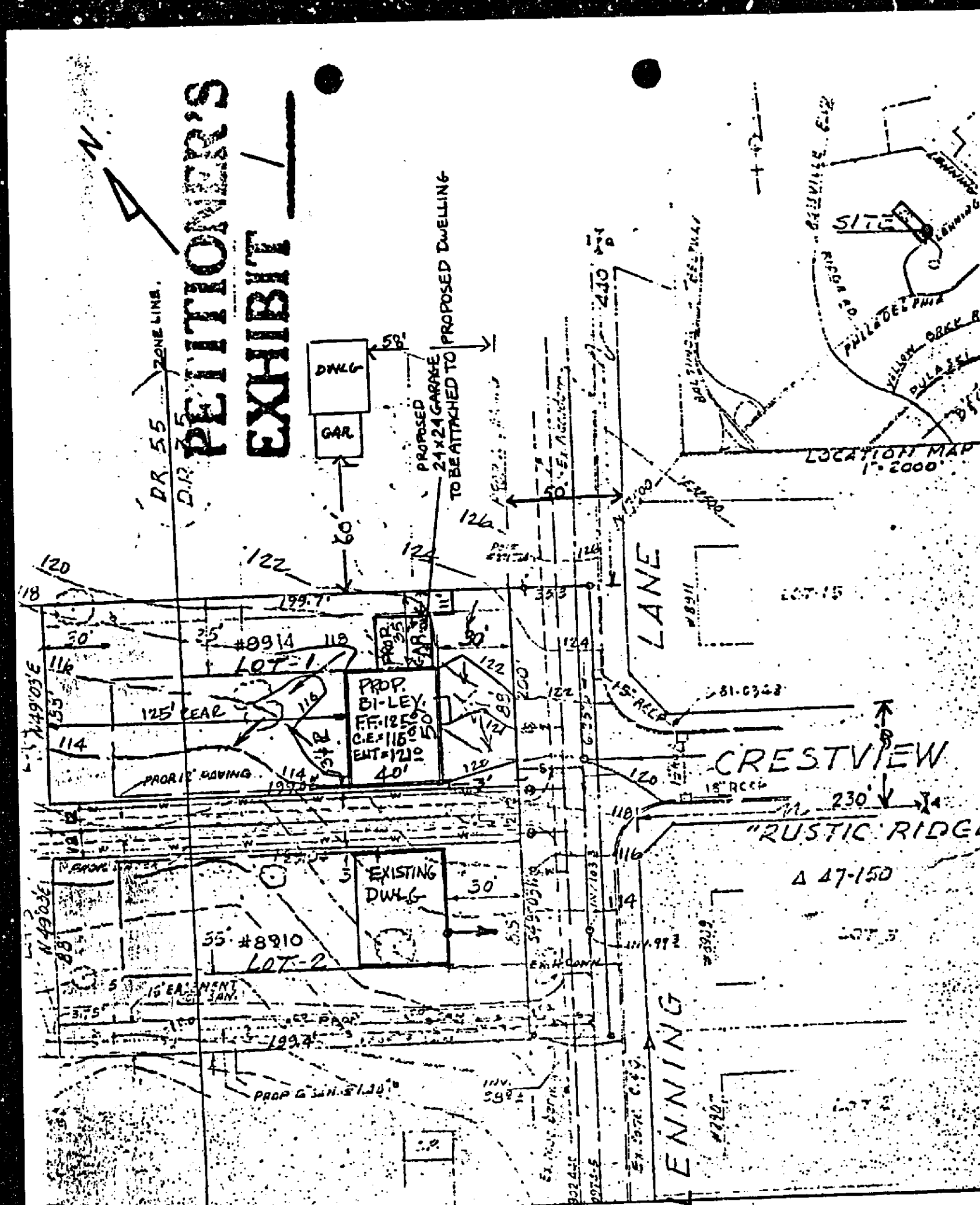
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Alan Bowling, et ux
File



Dennis F. Rasmussen
County Executive



PLAT FOR ZONING VARIANCE
OWNER: ALAN BOWLING
DISTRICT 14, ZONED DR 3.5 AND 5.5
SUBDIVISION: DIOCOCCO PROPERTY
LOT #1 PLAT BOOK E.H.K. JR 55 FOLIO 50
EXISTING UTILITIES IN LENNING'S LA.
SCALE 1" = 50'

LOT SIZE 17,512 sq ft
.40 ACRES

OWNERS WILL TAKE FULL RESPONSIBILITY AS TO THE INFORMATION PROVIDED ON SAID PLAT PREPARED BY BALTO. CO.
OWNER: Alan F. Bowling, et ux
DATE: 9-22-88

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 1st day of August, 1988.

J. Robert Haines
Zoning Commissioner

Petitioner: Alan F. Bowling, et ux
Petitioner's Attorney: James E. Dyer
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

August 18, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Alan F. Bowling, et ux

Location: W. side of Lanning Lane at the intersection with Crestview Garth centerline
Item No.: 45 Zoning Agenda: Meeting of 8/16/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 30, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Alan F. Bowling
2010 Paulette Road
Baltimore, Maryland 21222

RE: Item No. 45 - Case No. 89-128-A
Petitioner: Alan F. Bowling, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Bowling:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

September 1, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 41, 42, 44, 45, 46, 47, and 48.

Very Truly Yours,

[Signature]
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEN/RE/saw

RECEIVED
SEP 6 1988

ZONING OFFICE